

(1) If you are unable to run the test cycle specified in this part for your engine, use an alternate test cycle that will result in a cycle-weighted emission measurement equivalent to the expected average in-use emissions. This cycle must be approved under 40 CFR 1065.10.

(2) Describe in your application for certification any specially designed fixtures or other hardware if they are needed for proper testing of your engines. (Note: You do not need to specify the size or performance characteristics of engine dynamometers.) You must send us these fixtures or other hardware if we ask for them. We may waive the requirement of §1054.205(aa) to identify a test facility in the United States for such engine families as long as the projected U.S.-directed production volume of all your engine families using the provisions of this paragraph (c)(2) is less than 5 percent of your total production volume from all engine families certified under this part 1054.

(d) *Wintertime engines.* You may test wintertime engines at the ambient temperatures specified in 40 CFR 1065.520, even though this does not represent in-use operation for these engines (40 CFR 1065.10(c)(1)). In this case, you may use good engineering judgment to modify the test engine as needed to achieve intake temperatures that are analogous to in-use conditions. You may also test wintertime engines at reduced ambient temperatures as specified in 40 CFR 1051.505. Use the gasoline specified for low-temperature testing only if you test your engines at ambient temperatures below 20 °C.

[73 FR 59259, Oct. 8, 2008, as amended at 74 FR 56511, Oct. 30, 2009; 78 FR 36397, June 17, 2013]

§ 1054.505 How do I test engines?

(a) This section describes how to test engines under steady-state conditions. For handheld engines you must perform tests with discrete-mode sampling. For nonhandheld engines we allow you to perform tests with either discrete-mode or ramped-modal testing methods, as described in 40 CFR Part 1065. You must use the same modal testing method for certification and all other testing you perform for an engine

family. If we test your engines to confirm that they meet emission standards, we will use the modal testing method you select for your own testing. If you submit certification test data collected with both discrete-mode and ramped-modal testing (either in your original application or in an amendment to your application), either method may be used for subsequent testing. We may also perform other testing as allowed by the Clean Air Act. Conduct duty-cycle testing as follows:

(1) For discrete-mode testing, sample emissions separately for each mode, then calculate an average emission level for the whole cycle using the weighting factors specified for each mode. Control engine speed as specified in this section. Use one of the following methods for confirming torque values for nonhandheld engines:

(i) Calculate torque-related cycle statistics and compare with the established criteria as specified in 40 CFR 1065.514 to confirm that the test is valid.

(ii) Evaluate each mode separately to validate the duty cycle. All torque feedback values recorded during non-idle sampling periods must be within ± 2 percent of the reference value or within ± 0.27 N·m of the reference value, whichever is greater. Also, the mean torque value during non-idle sampling periods must be within ± 1 percent of the reference value or ± 0.12 N·m of the reference value, whichever is greater. Control torque during idle as specified in paragraph (c) of this section.

(2) Unless we specify otherwise, you may simulate the governor for ramped-modal testing consistent with good engineering judgment.

(b) Measure emissions by testing the engine on a dynamometer with the test procedures for constant-speed engines in 40 CFR part 1065 while using one of the steady-state duty cycles identified in this paragraph (b) to determine whether it meets the exhaust emission standards specified in §1054.101(a). This requirement applies for all engines, including those not meeting the definition of “constant-speed engine” in 40 CFR 1065.1001.

(1) For handheld engines, use the two-mode duty cycle described in paragraph (a) of Appendix II of this part. Establish an engine's rated speed as follows:

(i) For ungoverned handheld engines used in fixed-speed applications all having approximately the same nominal in-use operating speed, hold engine speed within 350 rpm of the nominal speed for testing. We may allow you to include in your engine family without additional testing a small number of engines that will be installed such that they have a different nominal speed. If your engine family includes a majority of engines with approximately the same nominal in-use operating speed and a substantial number of engines with different nominal speeds, you must test engines as specified in this paragraph (b)(1)(i) and paragraph (b)(1)(ii) of this section.

(ii) For ungoverned handheld engines for which there is not a dominant value for nominal in-use operating speeds, hold engine speed within 350 rpm of the point at which the engine generates maximum power.

(iii) For governed handheld engines, hold engine speed at maximum test speed, as defined in 40 CFR 1065.1001.

(2) For nonhandheld engines, use the six-mode duty cycle or the corresponding ramped-modal cycle described in paragraph (b) of Appendix II of this part. Control engine speeds and torques during idle mode as specified in paragraph (c) of this section and during full-load operating modes as specified in paragraph (d) of this section. For all other modes, control torque as needed to meet the cycle-validation criteria in 40 CFR 1065.514; control the engine speed to within 5 percent of the nominal speed specified in paragraph (d) of this section or let the installed governor (in the production configuration) control engine speed. The governor may be adjusted before emission sampling to target the nominal speed identified in paragraph (d) of this section, but the installed governor must control engine speed throughout the emission-sampling period whether the governor is adjusted or not. Note that ramped-modal testing involves continuous sampling, so governor adjustments may not occur during such a

test. Note also that our testing may involve running the engine with the governor in the standard configuration even if you adjust the governor as described in this paragraph (a)(2) for certification or production-line testing.

(c) During idle mode for nonhandheld engines, operate the engine with the following parameters:

(1) Allow the engine to operate at the idle speed determined by the installed governor. If any production engines from the engine family have a user-selectable idle speed, operate the engine with an installed governor that controls engine speed to the lowest available speed setting.

(2) Keep engine torque under 5 percent of the nominal torque value for Mode 1.

(3) You must conduct testing at the idle mode even if the allowable torque values overlap with those for another specified mode.

(d) During full-load operation for nonhandheld engines, operate the engine with the following parameters:

(1) In normal circumstances, select a test speed of either 3060 rpm or 3600 rpm that is most appropriate for the engine family. If all the engines in the engine family are used in intermediate-speed equipment, select a test speed of 3060 rpm. The test associated with intermediate-speed operation is referred to as the A Cycle. If all the engines in the engine family are used in rated-speed equipment, select a test speed of 3600 rpm. The test associated with rated-speed operation is referred to as the B Cycle. If an engine family includes engines used in both intermediate-speed equipment and rated-speed equipment, select the test speed for emission-data engines that will result in worst-case emissions. In unusual circumstances, you may ask to use a test speed different than that specified in this paragraph (d)(1) if it better represents in-use operation.

(2) Operate the engine ungoverned at wide-open throttle at the test speed established in paragraph (d)(1) of this section until the engine reaches thermal stability as described in 40 CFR 1065.530(a)(2)(ii). Record the torque value after stabilization. Use this value for the full-load torque setting and for

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denormalizing the rest of the duty cycle.

(3) Control engine speed during emission sampling to stay within 5 percent of the nominal speed identified in paragraph (d)(1) of this section.

(4) The provisions of this paragraph (d) apply instead of the engine mapping procedures in 40 CFR 1065.510.

[73 FR 59259, Oct. 8, 2008, as amended at 79 FR 23751, Apr. 28, 2014]

§ 1054.520 What testing must I perform to establish deterioration factors?

Sections 1054.240 and 1054.245 describe the required methods for testing to establish deterioration factors for an emission family.

Subpart G—Special Compliance Provisions

§ 1054.601 What compliance provisions apply?

(a) Engine and equipment manufacturers, as well as owners, operators, and rebuilders of engines subject to the requirements of this part, and all other persons, must observe the provisions of this part, the requirements and prohibitions in 40 CFR part 1068, and the provisions of the Clean Air Act.

(b) Note that the provisions of 40 CFR 1068.103(f) prohibit engine manufacturers from deviating from normal production and inventory practices to stockpile engines with a date of manufacture before new or changed emission standards take effect. If your normal practice for producing engines subject to this part 1054 includes maintaining engines in inventory for some engine families for more than 12 months, you must get our prior approval to continue this practice for model years in which emission standards change. Include in your request information showing that this is necessary and it is consistent with your normal business practice. Unless we specify otherwise, include relevant inventory and production records from the preceding eight years. Note that 40 CFR 1068.103(f) applies to any engines inventoried beyond your normal practice and authorizes us to review your records to verify your normal practices, whether or not you maintain the engines in inventory for more than 12 months.

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(c) The provisions of 40 CFR 1068.215 apply for cases in which the manufacturer takes possession of engines for purposes of recovering components as described in this paragraph (c). Note that this paragraph (c) does not apply for certified engines that still have the emission control information label since such engines do not need an exemption.

(1) You must label the engine as specified in 40 CFR 1068.215(c)(3), except that the label may be removable as specified in 40 CFR 1068.45(b).

(2) You may not resell the engine. For components other than the engine block, you may generate revenue from the sale of the components that you recover, or from the sale of new engines containing these components. You may also use components other than the engine block for engine rebuilds as otherwise allowed under the regulations. You may use the engine block from an engine that is exempted under this paragraph (c) only to make a new engine, and then only where such an engine has a separate identity from the original engine.

(3) Once the engine has reached its final destination, you may stop collecting records describing the engine's final disposition and how you use the engine. This does not affect the requirement to maintain the records you have already collected under 40 CFR 1068.215. This also does not affect the requirement to maintain records for new engines.

[73 FR 59259, Oct. 8, 2008, as amended at 75 FR 23025, Apr. 30, 2010]

§ 1054.610 What is the exemption for delegated final assembly?

The provisions of 40 CFR 1068.261 related to delegated final assembly do not apply for handheld engines certified under this part 1054. The provisions of 40 CFR 1068.261 apply for nonhandheld engines, with the following exceptions and clarifications:

(a) Through the 2014 model year, you may use the provisions of this section for engines you sell to a distributor, where you establish a contractual arrangement in which you designate the distributor to be your agent in all matters related to compliance with the requirements of this section. Identify